



General Assembly

Substitute Bill No. 988

January Session, 2013



**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE
CONCERNING THE FARMLAND PRESERVATION PROGRAM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 22-26cc of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (a) There is established within the Department of Agriculture a
5 program to solicit, from owners of agricultural land, offers to sell the
6 development rights to such land and to inform the public of the
7 purposes, goals and provisions of this chapter. The commissioner, with
8 the approval of the State Properties Review Board, shall have the
9 power to acquire or accept as a gift, on behalf of the state, the
10 development rights of any agricultural land, if offered by the owner.
11 Notice of the offer shall be filed in the land records wherein the
12 agricultural land is situated. If ownership of any land for which
13 development rights have been offered is transferred, the offer shall be
14 effective until the subsequent owner revokes the offer in writing. The
15 state conservation and development plan established pursuant to
16 section 16a-24 shall be applied as an advisory document to the
17 acquisition of development rights of any agricultural lands. The factors
18 to be considered by the commissioner in deciding whether or not to

19 acquire such rights shall include, but not be limited to, the following:
20 (1) The probability that the land will be sold for nonagricultural
21 purposes; (2) the current productivity of such land and the likelihood
22 of continued productivity; (3) the suitability of the land as to soil
23 classification and other criteria for agricultural use; (4) the degree to
24 which such acquisition would contribute to the preservation of the
25 agricultural potential of the state and to achieving the numerical goal
26 for the total acreage of prime and important farmland, as defined by
27 the United States Department of Agriculture, and established pursuant
28 to section 22-26kk, as amended by this act; (5) any encumbrances on
29 such land; (6) the cost of acquiring such rights; and (7) the degree to
30 which such acquisition would mitigate damage due to flood hazards.
31 Ownership by a nonprofit organization authorized to hold land for
32 conservation and preservation purposes of land which prior to such
33 ownership qualified for the program established pursuant to this
34 section shall not be deemed to diminish the probability that the land
35 will be sold for nonagricultural purposes. After a preliminary
36 evaluation of such factors by the Commissioner of Agriculture, he shall
37 obtain and review one or more fee appraisals of the property selected
38 in order to determine the value of the development rights of such
39 property. The commissioner shall notify the Department of
40 Transportation, the Department of Economic and Community
41 Development, the Department of Energy and Environmental
42 Protection and the Office of Policy and Management that such
43 property is being appraised. Any appraisal of the value of such land
44 obtained by the owner and performed in a manner approved by the
45 commissioner shall be considered by the commissioner in making such
46 determination. The value of development rights for all purposes of this
47 section shall be the difference between the value of the property for its
48 highest and best use and its value for agricultural purposes as
49 determined by the commissioner. The use or presence of pollutants or
50 chemicals in the soil shall not be deemed to diminish the agricultural
51 value of the land or to prohibit the commissioner from acquiring the
52 development rights to such land. The commissioner may purchase
53 development rights for a lesser amount provided he complies with all

54 factors for acquisition specified in this subsection and in any
55 implementing regulations. In determining the value of the property for
56 its highest and best use, consideration shall be given but not limited to
57 sales of comparable properties in the general area, use of which was
58 unrestricted at the time of sale.

59 Sec. 2. Section 22-26kk of the general statutes is amended by adding
60 subsections (c) and (d) as follows (*Effective October 1, 2013*):

61 (NEW) (c) The Commissioner of Agriculture, in consultation with
62 the Farmland Preservation Advisory Board, shall establish a numerical
63 goal for the total acreage of prime and important farmland, as defined
64 by the United States Department of Agriculture, to be preserved
65 pursuant to the program established in section 22-26cc, as amended by
66 this act. Not later than October 1, 2014, and annually thereafter, the
67 commissioner shall report to the board on such program's progress
68 toward achieving such numerical goal. Not later than July 1, 2015, and
69 every five years thereafter, the board shall reevaluate such numerical
70 goal and determine whether such numerical goal is sufficient to
71 provide an adequate resource base for food production and other
72 agricultural needs in the future based on criteria established by the
73 board. The commissioner, in consultation with the department
74 personnel who administer such program and the board, may revise
75 such numerical goal.

76 (NEW) (d) Not later than December 1, 2013, the Commissioner of
77 Agriculture shall submit to the Farmland Preservation Advisory Board
78 a written strategic plan for the purchase of agricultural land
79 development rights pursuant to section 22-26cc, as amended by this
80 act. Such strategic plan shall contain both short-term and long-term
81 strategies for achieving the numerical goal described in subsection (a)
82 of this section. Such strategic plan shall be consistent with: (1) The
83 state's plan of conservation and development, (2) the state's open space
84 plans and goals, (3) generally accepted smart growth principles, and
85 (4) the most recent comprehensive land cover information available.
86 The commissioner shall consider any proposed revisions to such

87 strategic plan recommended by the board. The commissioner shall
 88 finalize such plan not later than July 1, 2014, and once every five years
 89 thereafter, the commissioner, in consultation with the board, shall
 90 review such strategic plan and make any requisite revisions.

91 Sec. 3. Section 22-26ii of the general statutes is repealed and the
 92 following is substituted in lieu thereof (*Effective October 1, 2013*):

93 (a) The commissioner may enter at all reasonable times upon any
 94 restricted agricultural land, for the purpose of determining compliance
 95 with the provisions of section 22-26cc, as amended by this act.

96 (b) The commissioner shall establish a stewardship program to
 97 ensure that agricultural lands preserved pursuant to the program
 98 established under section 22-26cc, as amended by this act, are
 99 maintained in compliance with any applicable preservation deed
 100 covenants. Such stewardship program shall require the Department of
 101 Agriculture to visit each agricultural land preserved pursuant to
 102 section 22-26cc, as amended by this act, not less than once every three
 103 years. Each calendar quarter, the commissioner shall report to the
 104 Farmland Preservation Advisory Board on the work and findings of
 105 the stewardship program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	22-26cc(a)
Sec. 2	<i>October 1, 2013</i>	22-26kk
Sec. 3	<i>October 1, 2013</i>	22-26ii

PRI

Joint Favorable Subst. C/R

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